

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES R. WASHINGTON,

Plaintiff-[Appellant],

-vs-

Case No. 18-cv-00208-bbc;
Appeal No. 19-_____.

RENEE SCHUELER, TRISHA
ANDERSON and JAMIE GOHDE,

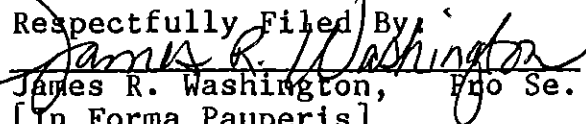
Defendants-[Appellees].

NOTICE OF APPEAL

Notice is hereby given that James R. Washington [DOC: 301901] above-named Plaintiff, does hereby [Appeals] to the United States Court Of Appeals for the Seventh Circuit from the Judgment In A Civil Case (Attachment - #1), filed on September 10, 2019 of the Opinion and Order of the Honorable Barbara B. Crabb, District Court Judge, Granting [Summary Judgment] To Columbia Correctional Institution ["CCI"] Prison Officials, Via assertion That Such State Employee(s) Are Entitled By Law To Such Automatic Relief From Medical Treatment Denial(s), Because Prisoner's Are By The Medical Treatment Operations Of The Prison System's Unable To Have Access To The "Medical Evidence" Necessary To Create A Material Dispute, From An Independent Medical Expert Determination (Attachments: #2 and #2/A).

Dated October 02, 2019. Portage; Wisconsin.

JRW-OBM/File.
Attachments: #1, #2-2/A.
(#03-Pages Total).

Respectfully Filed By:

James R. Washington, Pro Se.
[In Forma Pauperis]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES R. WASHINGTON,

Plaintiff,

Case No. 18-cv-208-bbc

v.

RENEE SCHUELER, TRISHA
ANDERSON and JAMIE GOHDE,

Defendants

JUDGMENT IN A CIVIL CASE

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of
defendants dismissing this case.

/s/
Peter Oppeneer, Clerk of Court

9/10/2019
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES WASHINGTON,

Plaintiff,

OPINION AND ORDER

18-cv-208-bbc

v

RENEE SCHUELER, TRISHA
ANDERSON and JAMIE GOHDE,

Defendants.

Pro se plaintiff James Washington is incarcerated at the Columbia Correctional Institution. He is proceeding on the following claims under the Eighth Amendment and state negligence law: (1) defendant Trisha Anderson failed to order Nike athletic shoes that had been recommended by plaintiff's podiatrist and later told plaintiff that he would have to make do with prison-issued shoes in which his orthotics did not fit; and (2) defendants Renee Schueler (in both her individual and official capacities) and Jamie Gohde failed to address three health services unit policies that affected plaintiff's ability to get appropriate foot care (I have amended the caption to reflect defendants' full names and the correct spelling of their names. As noted below, Cindy Buchanan replaced Schueler as the health services unit manager in December 2018 and would be the appropriate defendant for purposes of injunctive relief. However, it is not necessary to revise the caption to reflect the proper defendant for plaintiff's official capacity claim because plaintiff has not shown that he is entitled to such relief.)

Before the court is defendants' motion for summary judgment. Dkt #22 Plaintiff also has filed a motion to strike the declarations submitted by defendants in support of their motion, dkt. ##27-29, on the grounds that they are not signed and contain factual errors Dkt #42 For the reasons below, I am denying plaintiff's motion to strike and granting defendants' motion for summary judgment with respect to plaintiff's Eighth Amendment claims Plaintiff's state law claim against Schueler must be dismissed because he failed to comply with the notice of claim requirements under Wis. Stat. § 893.82 with respect to that claim. Finally, I decline to exercise supplemental jurisdiction over plaintiff's negligence claims against defendants Anderson and Gohde and will dismiss those claims without prejudice so that plaintiff can refile them in state court if he chooses to do so

From the parties' proposed findings of fact, I find the following facts to be undisputed unless otherwise noted

UNDISPUTED FACTS

A The Parties

Plaintiff James Washington has been incarcerated at the Columbia Correctional Institution in Portage, Wisconsin since January 5, 2016. All of the defendants worked at Columbia during the events at issue in this case. Defendant Renee Schueler worked as a nurse and the health services manager from August 21, 2017 to August 21, 2018; defendant Jamie Gohde was the health services manager from July 25, 2016 until May 15, 2017; and defendant Trisha Anderson was a nurse clinician 2 from September 26, 2011 to January 21,

that federal courts should relinquish jurisdiction over state law claims if all federal claims are resolved before trial. 28 U.S.C. § 1367(c)(3); Burritt v. Ditlefsen, 807 F.3d 239, 252 (7th Cir. 2015). In this instance, I will decline to exercise supplemental jurisdiction over plaintiff's claims against Anderson and Gohde because I am granting summary judgment to defendants on all of the federal claims. Plaintiff may refile these claims in state court, subject to the applicable Wisconsin statute of limitations

ORDER

IT IS ORDERED that

- 1 Plaintiff James Washington's motion to strike, dkt. #42, is DENIED.
2. The motion for summary judgment filed by defendants Trisha Anderson, Renee Schueler and Jamie Gohde, dkt. #22, is GRANTED with respect to plaintiff's federal claims and his state law negligence claim against defendant Schueler.
- 3 Plaintiff state law negligence claims against defendants Anderson and Gohde are DISMISSED without prejudice under 28 U.S.C. § 1367(c)(3).
- 4 The clerk of court is directed to enter judgment in favor of defendants and close this case.

Entered this 10th day of September, 2019.

BY THE COURT

/s/

BARBARA B. CRABB
District Judge